Amendment to the Claims

1 (Currently Amended). In a packet-based communication system having a first set of media gateways and at least a second set of media gateways, and the packet-based communication system having a first control device at least selectably coupled to the media gateways of the first set and the second set and at least a second control device also at least selectably coupled to the media gateways of the first set and the second set, the first control device and the second control device selectably operable to provide session control of communications effectuated by way of individual ones of the media gateways, an ~~improvement of~~ apparatus for facilitating selection at least of which of the first and second control devices are operable during a selected period, to provide the session control of communication to selected ones of the media gateways of the first and at least second sets, said apparatus comprising:

a determiner coupled to receive indications of communication indicia selected to at least communications to be effectuated by way of individual ones of the media gateways, said determiner for determining, responsive thereto, which of the first and at least second control devices are to provide the session control of the communications to the selected ones of the media gateways, wherein the first control device comprises a first softswitch and the second control device comprises a second softswitch and each softswitch provides a status signal indicating operable, partially operable, and wholly inoperable depending on which is indicative of a current operational status ~~a current operational status of one of operable, partially operable, and wholly inoperable~~, said determiner for allocating session control operations for performing session control of the selected ones of the media gateways to the first and second softswitches responsive to the provided status signal.

2 (Original). The apparatus of claim 1 further comprising a control signal generator coupled to said determiner to receive indications of determinations made by said determiner and coupled to the first and second control device, said control signal generator operable responsive to the indications of the determinations made by said determiner, for generating control signals instructing the first and second control devices whether to provide the session control for individual ones of the media gateways.

3 (Original). The apparatus of claim 1 wherein said determiner is further coupled to receive indicia representative of anticipated session control requirements of the individual ones of the media gateways and wherein determinations made by said determiner are further responsive to the indicia representative of the anticipated session control requirements.

4 (Original). The apparatus of claim 1 wherein said determiner is further coupled to receive indicia representative of an operability status of the first control device and indicia representative of an operability status of the second control device and wherein determinations made by said determiner are further responsive to indicia representative of the operability status of the first and second control devices, respectively.

5 (Original). The apparatus of claim 1 wherein determinations made by said determiner are made pursuant to load balancing calculations for balancing, at a selected ratio, session control functions to be provided by the first and second control devices, respectively.

6 (Original). The apparatus of claim 5 wherein the selected ratio of load balancing between the first and second control devices comprises a substantially one-to-one ratio.

7 (Original). The apparatus of claim 1 wherein the first control device comprises a first softswitch and the second control device comprises a second softswitch, said determiner for allocating session control operations for performing session control of the selected ones of the media gateways to the first and second control devices pursuant to a session control allocation scheme and responsive to the indications of the communication indicia.

8 (Original). The apparatus of claim 7 wherein at least part of said determiner is embodied at least at one of the first softswitch and the second softswitch.

9 (Original). The apparatus of claim 7 wherein the communication system further comprises a signaling hub forming a message router and wherein at least a part of said determiner is embodied at the signaling hub.

10 (Original). The apparatus of claim 9 wherein the communication system comprises an SS7 network as a portion thereof, wherein the signaling hub comprises a Signal Transfer Point (STP), and wherein the at least the part of said determiner is embodied at the Signal Transfer Point.

11 (Original). The apparatus of claim 1 wherein the communication system comprises a proxy device positioned separate from, and coupled to, the first and at least second control devices and wherein at least a part of said determiner is embodied at the proxy device.

12 (Original). The apparatus of claim 11 wherein the proxy device comprises a homing proxy and wherein said determiner is embodied at the homing proxy.

13 (Original). The apparatus of claim 1 wherein the at least the second set of media gateways comprises the second set of media gateways and at least a third set of media gateways, wherein the at least the second control device comprises the second control device and at least a third control device, and wherein said determiner determines which of the first, second and at least third control devices, respectively, and in what allocation manner, are to provide the session control of the communications.

14 (Original). The apparatus of claim 13 wherein the first set, the second set, and the third set form independent sets.

15 (Currently Amended). In a method of communicating in a packet-based communication system having a first set of media gateways and at least a second set of media gateways, and the packet-based communication system having a first control device at least selectably coupled to the media gateways of the first set and the second set and at least a second control device also at least selectably coupled to the media gateways of the first set and the second set, the first control device and the second control device selectably operable to provide session control of communications effectuated by way of individual ones of the media gateways, ~~an improvement of~~ a method for facilitating selection of which of the first and second control devices, are operable during a selected period, to provide the session control of communication to selected ones of the media gateways of the first and at least second sets, wherein the first control device comprises a first softswitch and the second control device comprises a second softswitch, said method comprising:

providing a status signal from each of the first and second softswitches which are enabled for indicating operating conditions of operable, partially operable, and wholly inoperable depending on which is most indicative of a current operational status ~~indicating a current operational condition of one of operable, partially operable, and wholly inoperable~~;

detecting indications of communication indicia related to at least communications to be effectuated by way of individual ones of the media gateways; and

determining, responsive to the indications detecting during said operation of detecting, which of the first and at least second softswitches are to provide the session control of the communications to the selected ones of the media gateways.

16 (Original). The method of claim 15 further comprising the operation of:

generating control signals instructing the first and at least second control devices whether to provide the session control for individual ones of the media gateways.

17 (Original). The method of claim 15 wherein determinations made during said operation of determining are made responsive to a load balancing calculation by which to balance, at a selected ratio, session control functions to be provided by the first and second control devices, respectively.

18 (Original). The method of claim 15 wherein the indications of the communication indicia detected during said operation of detecting comprise indicia representative of anticipated session control requirements of the individual ones of the media gateways.

19 (Original). The method of claim 15 wherein the indications of the communication indicia detected during said operation of detecting comprise indicia representative of an operability status of the first control device and indicia representative of an operability status of the at least the second control device.

20 (Canceled).

21 (New). A communication system comprising:

a first set of media gateways and at least a second set of media gateways;

a first softswitch at least selectably coupled to the media gateways of the first set and the second set;

a second softswitch also at least selectably coupled to the media gateways of the first set and the second set, the first softswitch and the second softswitch selectably operable to provide session control of communications effectuated by way of individual ones of the media gateways;

a determiner coupled to receive communication indicia by way of the softswitches, said determiner for determining, responsive thereto, which of the first and at least second control softswitches are to provide the session control of the communications of the media gateways, wherein at least one of the softswitches provides a status signal indicating operable, partially operable, and inoperable depending on which is most indicative of a current operational status, said determiner for allocating session control operations for performing session control of the selected ones of the media gateways to the first and second softswitches responsive to the provided status signal, wherein, if a partial or complete softswitch failure occurs, redistribution of allocation of session control to another softswitch is made to enable continued session control over the media gateways previously associated with the failed softswitch.